

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Jacob Daniel Boston
Nichole Marie Boston
Debtor(s)

Bankruptcy Case No.: 19-10663-TPA
Per January 14, 2020 Proceeding
Chapter: 13
Docket No.: 33 – 16, 27
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 24, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,880.00 as of January, 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Quicken Loans (Claim No. 4) and Wells Fargo (Claim No. 6) .
- ☒ H. Additional Terms: 1) Confirmation contingent on the avoidance of the NFG (Claim No. 12) judgment to extent it had attached to any property prior to filing.
2) The secured claim(s) of the following Creditor(s) shall govern as to claim amount, to be paid at the modified Plan interest in a monthly amount to be determined by Trustee to pay in full: BB&T (Claim No. 1).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: January 15, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Jacob Daniel Boston
 Nichole Marie Boston
 Debtors

Case No. 19-10663-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 38

Date Rcvd: Jan 15, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 17, 2020.

db/jdb +Jacob Daniel Boston, Nichole Marie Boston, 14 Beckett Park, Warren, PA 16365-4606
 15092531 +Allegheny Health Network, PO Box 645266, Pittsburgh, PA 15264-5250
 15092532 #+Allied Interstate, PO Box 361445, Columbus, OH 43236-1445
 15092533 +Aris, PO Box 72078, Cleveland, OH 44192-0002
 15079574 +Bank Of America, N.A., 4909 Savarese Circle, Tampa, FL 33634-2413
 15079577 +Citicards Cbna, PO Box 6217, Sioux Falls, SD 57117-6217
 15092534 +Cleveland Clinic, 9500 Euclid Avenue, Cleveland, OH 44195-0002
 15079579 +Community Bank Na, 45-49 Court Street, Canton, NY 13617-1179
 15079581 +Federal Loan Servicing, PO Box 60610, Harrisburg, PA 17106-0610
 15079582 +JPMorgan Chase Bank Card, PO Box 15298, Wilmington, DE 19850-5298
 15108194 +M&T Bank, PO Box 1508, Buffalo, N.Y. 14240-1508
 15079585 Mfgs & Traders Trust, PO Box 7678, Buffalo, NY 14240
 15120474 +NFG #2 Federal Credit Union, 1303 Pennsylvania Avenue, West, Warren, PA 16365-1921
 15079586 +Nfg#2 Federal Credit Union, PO Box 728, Warren, PA 16365-0728
 15092535 +Receivables Outsourcing LLC, PO Box 62850, Baltimore, MD 21264-2850
 15128400 U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184
 15092536 +Warren General Hospital, 2 Crescent Park West, PO Box 68, Warren, PA 16365-0068
 15092537 +Warren General Hospital Anesthesia, 2 Crescent Park West, Warren, PA 16365-2199
 15112660 +Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000, Raleigh, NC 27605-1000
 15079592 +Wells Fargo Dealer Services, PO Box 10709, Raleigh, NC 27605-0709

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. cr

+E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 16 2020 04:19:56
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15079575 E-mail/Text: bankruptcy@bbandt.com Jan 16 2020 04:25:13 BB & T, Credit Card Disputes,
 PO Box 1847, Wilson, NC 27894
 15083702 E-mail/Text: bankruptcy@bbandt.com Jan 16 2020 04:25:13 BB&T Bankruptcy, P.O. Box 1847,
 Wilson, NC 27894
 15079576 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jan 16 2020 04:21:46
 Capital One / Maurices, PO Box 30258, Salt Lake City, UT 84130-0258
 15079578 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jan 16 2020 04:25:26 Comenity Bank / Kays,
 3100 Easton Square Plaza, Columbus, OH 43219-6232
 15079580 E-mail/Text: mrdiscen@discover.com Jan 16 2020 04:24:54 Discover Financial Services LLC,
 PO Box 15316, Wilmington, DE 19850
 15084681 E-mail/Text: mrdiscen@discover.com Jan 16 2020 04:24:54 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15079583 +E-mail/Text: BKRMailOPS@weltman.com Jan 16 2020 04:25:17 Kay Jewelers, 375 Ghent Road,
 Fairlawn, OH 44333-4600
 15116847 E-mail/PDF: resurgentbknofications@resurgent.com Jan 16 2020 04:21:05 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15079584 +E-mail/Text: bk@lendingclub.com Jan 16 2020 04:27:21 Lending Club Corporation,
 71 Stevenson Street, Suite 300, San Francisco, CA 94105-2985
 15117719 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 16 2020 04:21:57
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15079587 +E-mail/Text: bankruptcyteam@quickenloans.com Jan 16 2020 04:27:11 Quicken Loans,
 1050 Woodward Avenue, Detroit, MI 48226-1906
 15095647 +E-mail/Text: bankruptcyteam@quickenloans.com Jan 16 2020 04:27:11 Quicken Loans Inc.,
 635 Woodward Avenue, Detroit, MI 48226-3408
 15079588 +E-mail/PDF: gecsed@recoverycorp.com Jan 16 2020 04:20:39 Synch / Lowes, PO Box 965005,
 Orlando, FL 32896-5005
 15079589 +E-mail/PDF: gecsed@recoverycorp.com Jan 16 2020 04:19:40 Synch / Network, PO Box 965036,
 Orlando, FL 32896-5036
 15079590 +E-mail/PDF: gecsed@recoverycorp.com Jan 16 2020 04:20:40 Synch / Old Navy DC,
 PO Box 965005, Orlando, FL 32896-5005
 15079591 +E-mail/PDF: gecsed@recoverycorp.com Jan 16 2020 04:21:37 Synch / Walmart, PO Box 965024,
 Orlando, FL 32896-5024
 15080406 +E-mail/PDF: gecsed@recoverycorp.com Jan 16 2020 04:20:39 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 18

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Quicken Loans Inc.

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 38

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***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 17, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 15, 2020 at the address(es) listed below:

Daniel P. Foster on behalf of Joint Debtor Nichole Marie Boston dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
Daniel P. Foster on behalf of Debtor Jacob Daniel Boston dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor Quicken Loans Inc. bkgroup@kmlawgroup.com
Office of the United States Trustee ustpre03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5